Appendix A

OPINIONS OF THE LOUISIANA SUPREME COURT

SUPREME COURT OF LOUISIANA

No. 81-C-0946

FANNIE GODWIN

v.

EAST BATON ROUGE PARISH SCHOOL BOARD ET AL.

ON WRIT OF CERTIORARI OR REVIEW TO THE COURT OF APPEAL, FIRST CIRCUIT, EAST BATON ROUGE PARISH, LOUISIANA

MARCUS, Justice

Fannie Godwin instituted this action against the East Baton Rouge Parish School Board and its president, George H. Richard, seeking a declaration that Rule VII of the Rules of Procedure of said board,[1] both

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[1]Rule VII of the Rules of Procedure of the East Baton Rouge Parish School Board provides:

ORDER AND DECORUM AT SCHOOL BOARD AND COMMITTEE MEETINGS.

It is in the public interest, and the public demands, that meetings of the School Board or its Committees, in handling the public's business, be conducted in an orderly and dignified manner. To this end, the following rules are established for the conduct of all persons, including Board members and staff members, attending a meeting of the School Board or its Committees.

No signs, poster, placards, etc. shall be affixed to the walls, doors, etc. of the School Board office building or any room therein, except by the School Board staff in connection with School Board business and then only with permission of the

on its face and as applied to her, violated her rights of freedom of speech, to assemble peaceably and to petition government for a redress of grievances under the first amendment to the federal constitution and sections 7 and 9 of article 1 of our state constitution.[2] She further sought an injunction prohibiting the enforcement of said rule.

After a hearing, the trial court upheld the constitutionality of Rule VII and denied the application for a preliminary injunction. Plaintiff appealed. The court of

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Superintendent. No sign, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms.

All persons attending meetings of the School Board or of its Committees must be recognized by the presiding officer before speaking. In return, the presiding officer and other Board members shall courteously receive the comments made by such persons.

Any person who fails or refuses to obey the rulings and directions of the presiding officer, or otherwise disrupts the meeting in any manner, shall be requested by the presiding officer to leave the meeting room for the remainder of that meeting.

If any person refuses to follow the directions of the presiding officer, the presiding officer shall cause such person to be removed from the meeting as authorized by L.R.S. 42:6.1(C) and other applicable laws of the State of Louisiana.

[2]U.S. Const. amend. I, as applied to the states through the fourteenth amendment, provides that: "Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." La. Const. art. 1, §7 provides that: "No law shall curtail or restrain the freedom of speech. . . ." La. Const. art. 1, §9 provides: "No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances."

appeal affirmed.[3] On plaintiff's application, we granted certiorari to review the correctness of that decision.[4]

The sole issue presented for our consideration is whether that portion of Rule VII that provides that "[n]o sign, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms" is unconstitutional either on its face or as applied to plaintiff under the first amendment to the federal constitution and sections 7 and 9 of article 1 of our state constitution guaranteeing freedom of speech and the right to assemble peaceably and petition government for a redress of grievances.

At the hearing on the application for a preliminary injunction, certain facts were stipulated between the parties which may be summarized as follows:

On December 4, 1980, the East Baton Rouge Parish School Board adopted new "Rules of Procedure" which became effective January 5, 1981. On January 5, 1981, the school board met at the Instructional Resource Center of the school board, a publicly-owned building. The principal purpose of the meeting was to discuss, deliberate and take official action toward adopting a proposed plan for desegregating the public schools in the parish. Mrs. Godwin attended the meeting as a member of the public and sat at the rear of the meeting room with no one seated behind her. She carried a sign approximately 15 x 23 inches in size which she displayed by standing next to her chair and holding it above her head. The sign depicted a black and a white child and stated: "Desegre-

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[3] 403 So. 2d 72 (La. App. 1st Cir. 1981).

[4] _____ So. 2d _____ (La. 1981).

gation can help people know one another better so they can work together better." At no time did Mrs. Godwin engage in any loud or boisterous conduct nor did her behavior threaten the orderly conduct of the meeting. She conducted herself in a quiet and orderly manner at all times. The school board president, George Richard, interrupted the agenda and requested Mrs. Godwin to remove the sign or herself from the meeting. He read her the rule prohibiting signs of which she was already aware. When she failed to comply, he recessed the meeting, left the bench or podium and approached Mrs. Godwin in the rear of the room where he again asked her to remove the sign or herself. Upon her refusal to do so, she was arrested for trespass and removed from the building by the police.

In addition to the above stipulation of facts, Mrs. Eileen Armstrong, immediate past-president and ten-year member of the board, testified that in past meetings, hand signs had created a problem by blocking the view of others at the meetings; by distracting the members of the school board from their deliberations; and by creating a potential safety hazard to others at the meetings. She also stated that Mrs. Godwin could have expressed the same sentiments on the sign at the microphone verbally or by submission of a written document. A written agenda is prepared for each regular school board meeting. Rules permit a person to speak for five minutes on any subject on the agenda. Discussion of a subject not on the agenda requires the vote of two-thirds of the board. Mr. Richard, president and six-year member of the board, also testified that signs had been disruptive of the meetings in the past. Both he and Mrs.

Armstrong stated that past disruptions had led to the promulgation of Rule VII.

Communication by signs, placards, or posters is closely akin to "pure speech" and is entitled to comprehensive protection under the first amendment. *See Tinker v. Des Moines Independent School District*, 393 U.S. 503 (1969). The first amendment, however, does not guarantee the right to communicate one's views at all times and places or in any manner that may be desired. *Heffron v. International Society for Krishna Consciousness*, 101 S.Ct. 2559 (1981).[5] Thus, Mrs. Godwin's display of a hand-carried sign, like other forms of expression protected by the first amendment, is subject to reasonable time, place and manner restrictions. As stated by the United States Supreme Court in *Heffron, supra*, at 2564:

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[5]*Heffron* involved a Minnesota state fair rule requiring organizations desiring to distribute and sell religious literature and to solicit donations to conduct those activities only at an assigned location within the fairgrounds. The asserted governmental interest was the need to maintain the orderly movement of the crowd given the large number of exhibitors and persons attending the fair. The United States Supreme Court found that the restriction was not based upon either the content or subject matter of the speech, it was not open to arbitrary application, it served a substantial state interest, it was not an unnecessary regulation because less restrictive means would not adequately deal with the problem and alternative forums for the expression of the protected speech existed despite the effects of the rule. Accordingly, the Minnesota State Fair Rule was upheld as a valid place and manner restriction. Four Justices concurred in part and dissented in part. These Justices agreed with the majority insofar as it upheld the rule's restriction on sales and solicitations. They dissented, however, from the majority's approval of the rule's restriction on the distribution of literature.

> We have often approved restrictions of that kind provided that they are justified without reference to the content of the regulated speech, that they serve a significant governmental interest, and that in doing so they leave open ample alternative channels for communication of the information.

The issue here then is whether Rule VII is a permissible restriction on the place and manner of communicating the views of citizens attending school board meetings, more specifically, whether the school board may exclude from its meetings all hand-carried signs.

A major criterion for a valid time, place and manner restriction is that the restriction "may not be based upon either the content or subject matter of the speech." *Heffron, supra.* Rule VII qualifies in this respect since it applies even-handedly to all who wish to bring hand-held signs into school board meetings. No sign, placard or poster which is carried by hand is permitted in the school board office building or any of its rooms.

Moreover, since all hand-carried signs are forbidden by the rule, no discretion is vested in the school board to permit some hand signs while not allowing others. Hence, Rule VII is not open to the kind of arbitrary application that has been condemned as inherently inconsistent with a valid time, place and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view. *Heffron, supra,* and cases cited therein.

A valid time, place and manner restriction must also "serve a significant governmental interest." *Heffron, supra.* Here, the principal justification asserted by the

school board in support of Rule VII is the need to ensure that its meetings are conducted in an orderly and dignified manner.[6]

School board meetings are held in a room of the school board office building. A written agenda is prepared for each school board meeting. Rules permit a person to speak for five minutes on any subject on the agenda. Discussion of a subject not on the agenda requires the vote of two-thirds of the board. The purpose of school board meetings is to allow the duly elected representatives of the people to consider and act upon matters of importance to the operation of the school system. It is in the best interests of the citizens of East Baton Rouge Parish that such meetings be conducted in an orderly and expeditious manner permitting full presentation of information and viewpoints by interested citizens. Any individual, group or organization may orally address the board on an agenda item for a period not to exceed five minutes or submit a written presentation of his, her or their views. It is apparent that the board's interest in conducting its meetings in an orderly and dignified manner is a substantial consideration and a valid governmental objective.

In addition, consideration of a forum's special attributes is relevant to the constitutionality of a regulation since the significance of the governmental interest

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[6]In addition, the school board asserted the following interest: (1) safety of persons in the audience; (2) the right of all persons present to be able to observe the deliberations of the school board; and (3) the need to curb the distracting and disruptive exhibition and waving of signs during the course of the meeting.

must be assessed in light of the characteristic nature and function of the particular forum involved. *Heffron*, *supra*. For example, there are significant differences between city streets (which have "immemorially been held in trust for the use of the public and, . . . have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions," *Hague v. C.I.O.*, 307 U.S. 496, 515 (1939)) and school board meetings. As stated in *Heffron*: "A street is continually open, often uncongested, and constitutes not only a necessary conduit in the daily affairs of a locality's citizens, but also a place where people may enjoy the open air or the company of friends and neighbors in a relaxed environment." On the other hand, a school board meeting, as described above, is a weekly event attracting great numbers of citizens who come to view the meeting and/or express their opinions on items listed on the agenda for that meeting. The demand for decorum is much more compelling in the context of a school board meeting.

Given these considerations, we find that the school board's interest in excluding all hand-carried signs from its meetings is sufficient to satisfy the requirement that a place or manner restriction must serve a substantial governmental interest.

Finally, we conclude that the restriction imposed by Rule VII leaves open ample alternative channels for communication of the information. The rule does not prevent Mrs. Godwin from carrying her sign anywhere outside the school building and its rooms. More importantly, the rule does not deny access within the forum

in question. Mrs. Godwin may attend the school board meeting and communicate her ideas within the forum by expressing her views orally on an agenda item for a period of five minutes or by submitting a written document setting forth her views. The school board meeting is a limited public forum in that it exists to provide a means for a great number of citizens to present their views on school board agenda items in an efficient and orderly fashion. Considering the limited function of the school board meeting and the area in which it operates, we consider that there are ample alternative channels for communication of the information.

In sum, we conclude that Rule VII is neither unconstitutional on its face nor as applied to plaintiff. It is a permissive restriction on the place and manner of communicating views of citizens attending school board meetings.[7] Accordingly, we affirm the judgments of the courts below.

DECREE

For the reasons assigned, the judgment of the court of appeal is affirmed.

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[7]In view of this finding, plaintiff's contention that Rule VII is unconstitutionally overbroad has no merit. Likewise, plaintiff's contention that Rule VII violates La. Const. art. 12, §3 and Louisiana's Open Meeting Law, La. R.S. 42:4.1, *et seq.*, is also without merit.

SUPREME COURT OF LOUISIANA

No. 81-C-0946

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.

LEMMON, Justice, Concurring

The prohibitory rule could have been more narrowly circumscribed.[1] But when competing interests are balanced in determining constitutionality, the rule limiting freedom of expression for a legitimate governmental interest must only be drawn reasonably, not perfectly. The fact that a more nearly perfect rule might have been adopted does not render unconstitutional the rule that was adopted, as long as that rule provides a reasonable balance between the competing interests.

The courts should not require modification of this reasonable rule simply because the rule is susceptible of further refinement, in the absence of an unnecessary and significant limitation on freedom of expression. When other available methods of expression are considered, this rule is not unconstitutionally restrictive as to the time, place and manner in which visitors in the office building may express themselves.[2]

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[1]For example, the rule could have allowed those hand held signs which are of a certain size, which are held against the wall in the rear, which are not waved, etc.

[2]Visitors may hang signs around their necks, wear signs on clothing, wear arm bands or use other forms of communication other than hand held signs. All persons are allowed to address the Board for limited periods as to agenda items, and plaintiff had done so many times.

SUPREME COURT OF LOUISIANA

No. 81-C-0946

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD ET AL.

DIXON, Chief Justice (dissenting)

CALOGERO, Justice (dissenting for reasons assigned by Dixon, C.J.)

DENNIS, Justice (dissenting for reasons assigned by Dixon, C.J.)

I respectfully dissent.

The law seems simple enough.

> **"No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom." Art. 1, Section 7, La. Const. 1974.**

Sometimes the breach of a clear provision of law is justified by necessity. Absolutely no necessity for the abridgment of Fannie Godwin's freedom of speech (words on posters are a form of speech) has been or can be shown, nor has she abused that right.

The majority has ignored this clear, unanswerable, applicable provision of the Louisiana Constitution.

Appendix B

OPINION OF THE COURT OF APPEAL

No. 14,363

COURT OF APPEAL
FIRST CIRCUIT
STATE OF LOUISIANA

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.

ON SUPERVISORY WRIT TO THE NINETEENTH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, HONORABLE WILLIAM H. BROWN, JUDGE

BEFORE: ELLIS, COLE, WATKINS, JJ

ELLIS, J:

In this suit, plaintiff Fannie Godwin seeks to enjoin the East Baton Rouge Parish School Board from enforcing Rule VII of its Rules of Procedure on the ground of its alleged unconstitutionality. Rule VII, which was adopted on December 4, 1980, provides, in part, as follows:

"VII. ORDER AND DECORUM AT SCHOOL BOARD AND COMMITTEE MEETINGS.

"It is in the public interest, and the public demands, that meetings of the School Board or its Committees, in handling the public's business, be conducted in an orderly and dignified manner. To this end, the following rules are established for the conduct of all persons, including Board members and staff mem-

bers, attending a meeting of the School Board or its Committees.

"No signs, poster, placards, etc. shall be affixed to the walls, doors, etc. of the School Board office building or any room therein, except by the School Board Staff in connection with School Board business and then only with permission of the Superintendent. No sign, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms."

On January 5, 1981, Mrs. Godwin attended a School Board meeting, bringing with her a hand carried sign measuring about 15 by 23 inches. During the meeting, she stood in the back of the room, holding the sign over her head. She was asked to remove the sign, and, upon her refusal to do so, was asked to leave the meeting. On her continuing refusal to remove the sign or to leave, Mrs. Godwin was arrested and removed from the meeting. It was stipulated that Mrs. Godwin knew of Rule VII before the meeting, and had informed others of her intention to carry a sign into the meeting; that she indulged in no loud or boisterous conduct; and that the public did not react to her sign in a loud or disruptive manner.

The president and immediate past president of the School Board testified relative to the adoption of Rule VII. They testified that, in past meetings, hand held signs had created a problem by blocking the view of others at the meetings; by distracting the members of the School Board from their deliberations, by creating a circus-like atmosphere, and by creating a potential

hazard, should signs be dropped on those at the meeting. With the exception of persons being injured by falling signs, specific examples of such occurrences were proven.

Plaintiff alleges that Rule VII violates her right of free speech under the First and Fourteenth Amendments to the Constitution of the United States, and Article I, Sections 7 and 9 of the Louisiana Constitution of 1974. Under those provisions, freedom of speech is a fundamental right, which may not be abridged or limited unless in the furtherance of a compelling state interest. *Cox v. State of Louisiana*, 379 U.S. 536, 85 S.Ct. 453 (1965); *Tinker v. Des Moines Independent Com. School Dist.*, 393 U.S. 503, 89 S.Ct. 733 (1969).

As pointed out by the trial judge, the issue in this case is not the propriety of the arrest of the plaintiff, nor the content of the writing on the sign. The issue is whether or not the School Board may prohibit persons from bringing hand held signs, regardless of content, into its meetings.

We think the trial judge correctly resolved the question. The record affirmatively shows that hand carried signs have been both disruptive and distracting in previous meetings. All persons attending School Board meetings are given the opportunity to speak on matters of interest to them. We find that, since an equivalent method of expression is available to all persons attending School Board meetings, and since hand carried signs have proven to be disruptive and distracting at previous meetings, the restriction placed on bringing such signs

into School Board meetings is reasonable and designed to permit the business of the School Board to be conducted in an orderly manner.

We therefore hold Rule VII to be a constitutional exercise of the authority of the School Board, and that the trial judge properly denied the injunctive relief sought by plaintiff.

The judgment complained of is affirmed, at plaintiff's cost.

AFFIRMED.

Appendix C

ORAL REASONS OF THE TRIAL COURT

Number 242,956 Division "I"

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.

ORAL REASONS FOR JUDGMENT
THE HONORABLE WILLIAM H. BROWN,
JUDGE PRESIDING
TUESDAY, JANUARY 27, 1981

Mrs. Godwin has filed suit, on December 13, 1981, seeking an injunction against the East Baton Rouge Parish School Board and George H. Richard, as President of the East Baton Rouge Parish School Board, from enforcing Rule VII of the Rules of Procedure that were adopted by the School Board on or about December 4, 1980; asking that Rule VII be declared unconstitutional and that the School Board be enjoined from enforcing Rule VII.

The parties amicably stipulated as to the facts in this case, which were that on or about January 5, 1981, Mrs. Godwin attended an open meeting of the School Board with a hand carried sign measuring some fifteen inches by twenty-three inches. It has been more specifically referred to as Plaintiff Exhibit Number-1, reflected in the photograph attached to the petition.

The stipulation was that she was asked to remove the sign; when she refused to, the meeting was halted and Mr. Richard again asked her to remove the sign and/or to leave and she refused and she was subsequently arrested. During the time that Mrs. Godwin had possession of the sign, she was in the back of the School Board room.

Rule Number VII provides that: "It is in the public interest, and the public demands, that meetings of the School Board or its Committees, in handling the public's business, be conducted in an orderly and dignified manner. To this end, the following rules are established for the conduct of all persons, including Board members and staff members, attending a meeting of the School Board or its Committees." This paragraph shows the purpose of the rule. The Rule further provides that: "No signs, poster, placards, etc. shall be affixed to the walls, doors, etc. of the School Board office building or any room therein, except by the School Board staff in connection with the School Board business and then only with permission of the Superintendent." This particular aspect of the Rule is not in contest in the meeting before this Court this afternoon; however, this phrase is: "No signs, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms." The Rule further provides that a person who refuses to obey the rules may be removed from the meeting as authorized by L.R.S. 42:6.1(C) and other applicable laws of the State of Louisiana.

Mrs. Godwin, in her petition, has alleged that Rule VII violates her rights under the First Amendment of

the United States Constitution and under Article I, Section 7 and Section 9 of the Louisiana Constitution, and Article 7, Section 3 of the Louisiana Constitution.

The First Amendment provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or bridging the freedom of speech or of the press, or the right of the people to peaceably assemble and to petition the government for redress of grievances.

Article I, Section 7 of the Louisiana Constitution provides that no law shall curtail or restrain freedom of speech or press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

Article I, Section 9 of the Louisiana Constitution provides that no law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances. Further, Article XII, Section 3 of the Louisiana Constitution provides that no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.

In essence, these are the applicable Amendments and Articles and Sections that the applicant in this case has informed the Court as being violated by the enforcement of Rule VII of the East Baton Rouge Parish School Board.

The issue is not whether or not this person was arrested. The issue is not whether or not the writing on the poster was or was not offensive to School Board

members. The question before this Court is whether or not a person has a right to bring a hand carried sign or placard or poster into the School Board office building and its rooms during meetings.

Freedom of speech is recognized as a fundamental right under both our State and Federal Constitutions. When a state seeks to limit a fundamental right, it must show compelling state interest is achieved by the restriction and there is no less restrictive measure which could be taken.

Here, the School Board is attempting to conduct its hearings in an orderly manner, with as many people present as possible. Certainly there must be rules and procedures for conducting public meetings, otherwise chaos would result. The Courts have recognized that under both the Louisiana and U.S. Constitution that time, manner, and place restrictions may be imposed on the freedom of speech. *Greer v. Spock*, 424 U.S. 828, 1976, and *Beard v. City of Alexandria*, 341 U.S. 622, 1951.

Certainly the School Board cannot restrict speech simply because it might dislike the views that are being expressed. However, the Board has a legitimate interest in preventing disruptions in Board meetings which might justify the need for adoption of the rules. It is incumbent upon the School Board to show or carry its burden of showing the appropriateness of denying signs which may be carried by hand into the School Board building and its rooms.

The Court has heard testimony from Mr. Richard

who testified that during his term on the School Board there have been instances—he cannot be specific as to the specific instance—of where signs have been disturbing, distractful and, because of location, prevented other people perhaps from seeing. Mrs. Armstrong testified that she has experienced the same instance.

It is interesting to note that the particular rules were not enacted until 1981. Oftentimes rules are not enacted until after there has been an obvious necessity that rules are necessary. From my appreciation of the testimony, this became obvious from the expressions that occurred during the strike situation that occurred at the School Board. Obviously from that instance, the School Board realized that it was necessary to have certain rules for the future. These rules were not just adopted arbitrarily; it was for a specific purpose, to be able to conduct School Board meetings in an orderly fashion. The Court does not feel that these rules are arbitrary and capricious. The Court feels that, as stated in the Supreme Court in the *Greer* and *Beard* cases, there can be some restrictions imposed upon the freedom of speech. I can see and appreciate the need of rules to prohibit people from carrying signs in meetings, blocking the views of other people; they certainly could be dangerous if dropped, hitting someone else. The Court does not believe it is necessary for an injury to occur before a rule would have to be adopted.

The Court finds that Rule VII is not unconstitutional and will not issue the preliminary injunction.

To plaintiff, Mrs. Fannie Godwin, I appreciate that changes for betterment often result from the fortitude of

people like yourself who have taken an active interest in government—in your instance, the government of the local School Board. This ruling is not to be interpreted to mean that this Court discourages you from continuing your participation in any form of government that you would like to participate; it merely means that in participating you must do so in compliance with lawful rules, which I have found that this Rule is lawful. Democracy, as I appreciate what is involved, has been brought about by people like yourself who have taken an active interest in their government.

The Court will sign a written judgment in connection with the oral reasons given; costs to be borne by the petitioner.

Filed January 28 1981
Signed Frances I. Williamson
Deputy Clerk
A True Copy January 28 1981
Frances I. Williamson
Deputy Clerk

Appendix D

JUDGMENT OF THE TRIAL COURT

Suit No. 242,956 Div. "I"

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL, ET AL.

JUDGMENT

This cause came on the 27th day of January, 1981, to be heard.

PRESENT: Woodrow W. Wyatt, Attorney for Plaintiff.

John F. Ward, Jr., Attorney for Defendants.

After hearing the pleadings, evidence and arguments of counsel, the Court considering the law and the evidence to be in favor of the defendants, East Baton Rouge Parish School Board and George H. Richard, and against the plaintiff, Fannie Godwin, for the reasons that day orally assigned,

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of the defendants and against the plaintiff declaring Rule VII of the "Rules of Procedure of the East Baton Rouge Parish School Board" as adopted on December 4, 1980 to be constitutionally and statutorily valid and enforceable.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Rule for injunction be dismissed, that the writ of injunction herein prayed for be denied, and that plaintiff's demands be rejected at her costs.

Judgment read and signed this 5th day of February, 1981, at Baton Rouge, Louisiana.

/s/ William H. Brown
JUDGE

Appendix E

DENIAL OF REHEARING BY LOUISIANA SUPREME COURT

SUPREME COURT OF LOUISIANA
NEW ORLEANS, 70112

FROM: CLERK OF SUPREME COURT OF LOUISIANA

On the 19th day of February, 1982, the following action was taken by the Supreme Court of Louisiana, composed of Chief Justice John A. Dixon, Jr., and Associate Justices Pascal F. Calogero, Jr., Walter F. Marcus, Jr., James L. Dennis, Fred A. Blanche, Jr., Jack Crozier Watson, and Harry T. Lemmon, in the cases listed below:

REHEARINGS DENIED:

81-0-0946 Godwin v. East Baton Rouge Parish School Board

DIXON, C.J., CALOGERO & DENNIS, JJ., would grant a rehearing.

Appendix F

SUPREME COURT
STATE OF LOUISIANA
Docket Number: 81-C0946

FANNIE GODWIN

VERSUS

EAST BATON ROUGE PARISH SCHOOL BOARD, ET AL.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Fannie Godwin, the appellant above-named, hereby appeals to the Supreme Court of the United States from the final judgment of the Louisiana Supreme Court, affirming the judgment of the trial court, entered in this proceeding on December 14, 1981.

This appeal is taken pursuant to Title 28, United States Code, Section 1257, subparagraph 2.

Dated May 10, 1982.

WOODROW W. WYATT
3623 Perkins Road—Suite 6
Baton Rouge, Louisiana 70808

Telephone (504) 383-5689

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

I, Beverly Thomas, depose and say that I am a Clerk in the office of Woodrow W. Wyatt, attorney of record for Fannie Godwin, the appellant herein, and that on May 10, 1982, pursuant to Rule 33, Rules of the Supreme Court, I served one (1) copy of the attached Notice of Appeal to the Supreme Court of the United States on each of the parties required to be served herein, as follows:

On East Baton Rouge Parish School Board and George Richard, the appellees herein, by mailing the copies in duly addressed envelopes, with first class postage prepaid, to John F. Ward, Jr., counsel of record for said appellees at his office at P. O. Box 65236, Baton Rouge, Louisiana, 70896.

All parties required to be served have been served.

Beverly Thomas

SWORN TO AND SUBSCRIBED Before Me, on May 10, 1982

NOTARY PUBLIC
Leo J. Berggreen

Appendix G

LOUISIANA REVISED STATUTE 17:81

SUB-PART B. POWERS AND DUTIES OF SCHOOL BOARDS AND PARISH SUPERINTENDENTS

§ 81. General powers of board

Each parish school board shall determine the number of schools to be opened, the location of the school houses, the number of teachers to be employed, and select such teachers from nominations made by the parish superintendent, provided that a majority of the full membership of the board may elect teachers without the endorsement of the superintendent. The boards shall have authority to employ teachers by the month or by the year, and to fix their salaries; provided that there shall be no discrimination as to sex in the fixing thereof and provided further, that it is not the purpose of this Section to require or direct the reduction of any salary, or salary schedule, presently in force. The boards shall see that the provisions of the state school laws are complied with.

Each school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education, as it may deem proper. [Emphasis supplied]

The regular meetings of each board shall be held at least once each month on such day as each board shall select. Additional regular meetings may be held as each board designates. Special meetings may be held as boards determine or as occasion may require.

Each school board shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools, including the state funds apportioned thereto, and all other funds.

The secretary of each board shall keep a record of all transactions and proceeding(s) of the board.

Parish school boards may receive land by purchase or donation for the purpose of erecting school houses; provide for and secure the erection of same, construct such outbuildings and enclosures as shall be conducive to the protection of property, and make repairs and provide for the necessary furniture, equipment and apparatus.

They have the power to recover for any damage that may be done to the property in their charge; they may change the location of a school house, sell or dispose of the old site, or of any site which for any reason can no longer be used or which is unused and unnecessary or unsuitable as such, and use the proceeds thereof for procuring a new one. Provided that the Orleans Parish School Board shall have authority to prescribe the rules and the regulations to govern the building and equipping and repairing of school houses, and the dates of the meetings of that board.

The provisions of this Section shall not affect the provisions of R.S. 17:461 through 17:463 relative to the Orleans Parish School Board.

Amended by Acts 1976, No. 411, § 1.

Appendix H

RULE VII OF THE RULES OF PROCEDURE OF THE EAST BATON ROUGE PARISH SCHOOL BOARD

RULES OF PROCEDURE OF THE EAST BATON ROUGE PARISH SCHOOL BOARD

. . . . . .

VII. ORDER AND DECORUM AT SCHOOL BOARD AND COMMITTEE MEETINGS.

It is in the public interest, and the public demands, that meetings of the School Board or its Committees, in handling the public's business, be conducted in an orderly and dignified manner. To this end, the following rules are established for the conduct of all persons, including Board members and staff members, attending a meeting of the School Board or its Committees.

No signs, poster, placards, etc. shall be affixed to the walls, doors, etc. of the School Board office building or any room therein, except by the School Board staff in connection with School Board business and then only with permission of the Superintendent. *No sign, placard, or poster which is carried by hand shall be permitted in the School Board office building or any of its rooms.* [Emphasis supplied]

All persons attending meetings of the School Board or of its Committees must be recognized by the presiding officer before speaking. In return, the presiding officer and other Board members shall courteously receive the comments made by such persons.

Any person who fails or refuses to obey the rulings and directions of the presiding officer, or otherwise disrupts the meeting in any manner, shall be requested by the presiding officer to leave the meeting room for the remainder of that meeting.

If any person refuses to follow the directions of the presiding officer, the presiding officer shall cause such person to be removed from the meeting as authorized by L.R.S. 42:6.1(C) and other applicable laws of the State of Louisiana.

Appendix I

RULE VI OF THE RULES OF PROCEDURE OF THE EAST BATON ROUGE PARISH SCHOOL BOARD

VI. CONDUCT OF SCHOOL BOARD MEETING.

A. The purpose of School Board meetings is to allow the duly elected representatives of the people to consider and act upon matters of importance to the operation of the school system which are within the jurisdiction and authority of the School Board. It is in the best interests of the citizens of this parish that such meetings be conducted in an orderly and expeditious manner which permits full presentation of information and viewpoints by interested citizens, followed by thorough discussion among the School Board, the Superintendent and designated members of the staff and concluded with debate and final decisions by the Board on those items of business listed on the agenda. To that end, the following rules shall govern the conduct of all meetings of the School Board and its committees and sub-committees.

B. The President of the Board, or in his/her absence, the Vice President of the Board, shall serve as the presiding officer for all School Board meetings. In the absence of both the President and the Vice President, the Superintendent shall serve as the presiding officer until a temporary chairman for that meeting has been elected by a majority vote of those Board members present and voting.

C. After the call to order, invocation, pledge of allegiance, student presentation, roll call, and action on

the minutes of any previous meeting, the presiding officer shall call, in the order listed on the agenda, first the items under unfinished business and then the items under new business, and shall recognize first the Superintendent or the Board member who caused such item to be placed on the agenda. The Superintendent or Board member shall then explain the item and make, or recommend, as the case may be, such motion as he/she shall desire. After such motion receives a second, the presiding officer shall open the floor for community input not to exceed five minutes for any one individual or group or organization. The presiding officer shall, with the approval of the Board, set a time limitation on an agenda item. At the conclusion of the public input, the presiding officer shall recognize any members of the Board, the Superintendent and members of the staff designated by the Superintendent, who wish to be heard on that item, in the order the presiding officer deems advisable.

Each Board member shall be allowed ten (10) minutes to express his/her initial views on any agenda item, motion, substitute motion, or amendment related to each agenda item and five (5) minutes for further comment. No member of the Board or staff shall speak without first being recognized by the presiding officer.

D. After discussion by the members of the Board and the Superintendent has been completed, the presiding officer shall call for the vote upon the pending motion or any amendments or substitute motions which may have been made. During Board discussion of an agenda item, any Board member, at any time, may move the

question on any pending motion, substitute motion, amending motion, etc. and thus conclude further discussion of same, provided there is an affirmative vote of two-thirds of the members present and voting on the motion for the previous question.

E. The presiding officer of any meeting shall conduct such meeting in accordance with these Rules of Procedure and shall have authority to make rulings on interpretation of these Rules of Procedure and any other matter or question which may arise with regard to conducting the meeting, including recognition of speakers, whether a speaker is out of order, etc. The decision of the presiding officer shall be final, unless appealed by a Board member to the entire Board as set forth herein below.